

# JULY 2007

<b>Conflicts of Interest</b>	
<b>Will Murphy</b> <b>Tehama Co. Board of Supervisors &amp; Planning Commission</b> <b>Dated: July 30, 2007</b> <b>File Numbers A-07-031 &amp; A-07-050</b>	<p>Members of county board of supervisors and planning commission are advised that more than one decision may be segmented from a general plan decision when multiple members have conflicts precluding them from voting unless the decisions are segmented.</p>
<b>Sheila Goodson</b> <b>Bethel Island Municipal Improvement District</b> <b>Dated: July 17, 2007</b> <b>File Number I-07-078</b>	<p>An improvement district board of directors member asked whether or not she may participate in a decision to have the district assume operational control over a new water agency as a condition to having a developer install a water system that would serve the entire island. If the district does not assume operational control, the developer plans to provide only 80 percent of the district with the new water system. The requestor lives in the 20 percent of the district that would not receive the new system if the district does not assume operational control of the system. Staff advised that because the decision involved bringing new services to the requestor's real property, her economic interest would be directly involved in the decision. Therefore, if there would be any reasonably foreseeable financial effect on the requestor's real property as a result of the decision she would be prohibited from participating in the decision, unless the public generally exception criteria could be met.</p>
<b>Marguerite Lawry</b> <b>Bethel Island Municipal Improvement District</b> <b>Dated: July 23, 2007</b> <b>File Number I-07-084</b>	<p>An improvement district board of directors member asked whether or not she may participate in a decision to have the district assume operational control over a new water agency as a condition to having a developer install a water system that would serve the entire island. If the district does not assume operational control, the developer plans to provide only 80 percent of the district with the new water system. The requestor lives in the 80 percent of the district that would receive the new system regardless of what entity has operational control of the system. Staff advised that because the decision would not bring new services to the requestor's real property, her economic interest the in decision is indirectly involved and therefore presumed not to be material. There was nothing in the facts provided that would indicate that the presumption should be rebutted.</p>
<b>Bill Gearheart</b> <b>Bethel Island Municipal Improvement District</b> <b>Dated: July 17, 2007</b> <b>File Number I-07-086</b>	<p>An improvement district board of directors member asked whether or not he may participate in a decision to have the district assume operational control over a new water agency as a condition to having a developer install a water system that would serve the entire island. If the district does not assume operational control, the developer plans to provide</p>

	<p>only 80 percent of the district with the new water system. The requestor lives in the 20 percent of the district that would not receive the new system if the district does not assume operational control of the system. Staff advised that because the decision involved bringing new services to the requestor's real property, his economic interest would be directly involved in the decision. Therefore, if there would be any reasonably foreseeable financial effect on the director's real property as a result of the decision he would be prohibited from participating in the decision, unless the public generally exception criteria could be met.</p>
<p><b>Robert Cameron</b>  <b>Bethel Island Municipal Improvement District</b>  <b>Dated: July 23, 2007</b>  <b>File Number I-07-090</b></p>	<p>An improvement district board of directors member asked whether or not she may participate in a decision to have the district assume operational control over a new water agency as a condition to having a developer install a water system that would serve the entire island. If the district does not assume operational control, the developer plans to provide 80 percent of the district with the new water system. The requestor lives in the 80 percent of the district that would receive the new system regardless of what entity has operational control of the system. Staff advised that because the decision would not bring new services to the requestor's real property, her economic interest in the decision is indirectly involved and therefore presumed not to be material. There was nothing in the facts provided that would indicate that the presumption should be rebutted.</p>
<p><b>Dustin Bloomfield</b>  <b>Bethel Island Municipal Improvement District</b>  <b>Dated: July 17, 2007</b>  <b>File Number I-07-091</b></p>	<p>An improvement district board of directors member asked whether or not he may participate in a decision to have the district assume operational control over a new water agency as a condition to having a developer install a water system that would serve the entire island. If the district does not assume operational control, the developer plans to provide 80 percent of the district with the new water system. The requestor lives in the 20 percent of the district that would not receive the new system if the district does not assume operational control of the system. Staff advised that because the decision involved bringing new services to the requestor's real property, his economic interest would be directly involved in the decision. Therefore, if there would be any reasonably foreseeable financial effect on the requestor's real property as a result of the decision he would be prohibited from participating in the decision, unless the public generally exception criteria could be met.</p>
<p><b>Lorna Bernard</b>  <b>CA Dept. of Fish &amp; Game</b>  <b>Dated: July 17, 2007</b>  <b>File Number I-07-0103</b></p>	<p>Requestor serves as a Marketing Specialist for the California Department of Fish and Game and as part of her duties publishes a magazine for the Department. While still employed at the Department, she wishes to join a private venture to help produce a magazine about hunting. She asks</p>

	<p>whether or not she has a conflict of interest. Staff advised that she is not prohibited under the Act from working on the private venture, but a conflict may arise if she is involved in making or influencing a governmental decision that would have a reasonably foreseeable material financial effect on any of her economic interests.</p>
<p><b>David Gordon</b>  <b>City of Burbank</b>  <b>Dated: July 11, 2007</b>  <b>File Number I-07-104</b></p>	<p>A city councilmember sought advice as to whether a conflict interest would exist if he participated in decisions related to repairs, replacement or maintenance of existing tree wells and replacement of vegetation in or around pedestrian rights-of-way, when he owns a professional office building directly in front of or adjacent to parkway trees. Official advised that he may participate in city council decisions related to repairs, replacement, or maintenance of existing tree wells and replacement of vegetation in or around pedestrian rights-of-way, so long as there is no reasonably foreseeable material financial effect on his economic interests.</p>
<p><b>Georgianne White</b>  <b>City of Fresno Office of the Mayor</b>  <b>Dated: July 25, 2007</b>  <b>File Number I-07-106</b></p>	<p>Chief of Staff to the mayor may participate in governmental decisions that come before the Mayor's Office or the Office of the City Manager concerning a development project where her husband is a partner in a law firm that provides legal services to a potential developer, so long as there are no reasonably foreseeable material financial effects on the law firm. The official must examine each decision about the project that she might participate in to make sure it would not result in an increase in gross revenues of \$500,000 or more in a fiscal year to the law firm.</p>
<p><b>Eileen Roush</b>  <b>Senate Banking and Finance Committee</b>  <b>Dated: July 18, 2007</b>  <b>File Number I-07-110</b></p>	<p>A consultant to the Senate Banking and Finance Committee requested general advice regarding the conflicts of interest provisions. The consultant plans to marry someone who works in the industry that is within the Committee's jurisdiction. Staff advised that there is no apparent conflict, but that each decision must be analyzed on a decision-by-decision basis.</p>
<p><b>Mayor Gwen Norton Perry, &amp; Councilmember Peter Rogers</b>  <b>City of Chino Hills</b>  <b>Dated July 30, 2007</b>  <b>File Number A-07-113</b></p>	<p>City councilmembers may participate in decisions to oppose a proposed project by Southern California Edison to replace existing transmission lines and structures when their homes are more than 500 feet from the nearest portion of the project unless the decisions will have a clearly distinguishable and substantial financial effect on their properties.</p>
<p><b>Mitchell Ing</b>  <b>Dated: July 25, 2007</b>  <b>File Number I-07-116</b></p>	<p>A city councilmember has an economic interest in his wife's employer by virtue of his community property interest in his spouse's income. Thus, the councilmember will have a conflict of interest in any decision in which the employer is directly involved (i.e. the employer has initiated the proceeding by filing an application, claim, appeal, or similar request or the employer is a named party or subject of the proceeding.) Moreover, the councilmember will have a</p>

	conflict of interest if the employer is indirectly involved in a decision, and will be affected materially as set forth in Regulation 18705.1.
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### **Gift**

<b>Kryss Rankin</b> <b>City of West Sacramento</b> <b>Dated: July 25, 2007</b> <b>File Number A-07-112</b>	<p>City clerk sought advice as to whether discounts offered by various businesses on items such as computer products, rental car rates, and home buyer/apartment rental rates provided to all employees of the city are reportable gifts under the Act. The discounts or rebates are not discloseable gifts under the Act provided they are made in the regular course of business to members of the public, and they are offered to all city employees on an equal basis, without regard to official status.</p>
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### **Lobbying**

<b>Emily Barrett</b> <b>Pillsbury Winthrop Shaw</b> <b>Pitman, LLP</b> <b>Dated: July 5, 2007</b> <b>File Number I-07-099</b>	<p>Under the Act's lobbying provisions, contacting a member or employee of the Legislature for assistance in a solely quasi-judicial proceeding before an agency other than the Legislature is not an attempt to influence a legislative or administrative action. Moreover, a lobbying firm is not prohibited from accepting or agreeing to accept a contingent payment to contact a member or employee of the Legislature for assistance in a solely quasi-judicial proceeding before an agency other than the Legislature as long as the payment is not contingent upon a proposed legislative or administrative action.</p>
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### **Revolving Door**

<b>Wendy Harris</b> <b>California Dept. of</b> <b>Education</b> <b>Dated: July 27, 2007</b> <b>File Number I-07-115</b>	<p>A state official negotiating or arranging prospective employment with a local governmental agency is not prohibited from making, participating in making, or influencing a governmental decision affecting the local agency under Section 87407 of the Act. However, should the official leave state employment and accept a position with the local agency, the Act's permanent ban and one-year ban will apply.</p>
<b>Wesley David Wardall</b> <b>CA Dept. Of Forestry &amp;</b> <b>Fire Protection</b> <b>Dated: July 11, 2007</b> <b>File Number I-07-096</b>	<p>The Act's "one-year ban" in Government Code Section 87406 and "permanent ban" in Government Code Section 87400 and following do not prohibit a former deputy chief of engineering and manufacturing for a state agency from working for private clients as a consultant on projects involving his former state agency so long as he does not appear before or communicate with employees of his former agency, and the proceeding is not one in which he participated during his state employment.</p>

<b>Section 84308</b>	
<b>Pat Bates</b> <b>Foothill Eastern</b> <b>Transportation Corridor</b> <b>Dated: July 27, 2007</b> <b>File Number A-07-083</b>	Section 84308 does not operate to disqualify an Orange County Supervisor, sitting on the Foothill/Eastern Transportation Corridor Agency, from taking part in Agency decisions on pending litigation with a landowner over the Agency's contractual rights to certain conservation easements.

July 2007  
Juanita G. Lira